

02-27-06

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PTO/SB/64 (07-05)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT
ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

Docket Number (Optional)
RICE-039US2

First named inventor: Malfroy-Camine, Bernard

Application No.: 09/029,686

Art Unit: 1654

Filed: March 3, 1998

Examiner: Delacroix, Muirhei C.

Title: "SYNTHETIC CATALYTIC FREE RADICAL SCAVENGERS USEFUL AS ANTIOXIDANTS FOR PREVENTION AND THERAPY OF DISEASE"

Attention: Office of Petitions
Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
FAX (571) 273-8300

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (571) 272-3282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus any extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal Disclaimer with disclaimer fee – required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

1. Petition fee

- ☒ Small entity-fee \$ 750.00 (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.
- ☐ Other than small entity-fee \$ _____ (37 CFR 1.17(m))

2. Reply and/or fee

A. The reply and/or fee to the above-noted Office action in the form of a continuation application (identify type of reply):

- ☐ has been filed previously on _____.
- ☒ is enclosed herewith.

B. The issue fee and publication fee (if applicable) of \$ _____.

- ☐ has been paid previously on _____.
- ☐ is enclosed herewith.

[Page 1 of 2]

This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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3. Terminal disclaimer with disclaimer fee

- ☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a small entity or \$ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

Carol L. Francis
Signature

Feb 23, 2006
Date

Carol L. Francis
Typed or Printed Name

36,513
Registration Number, if applicable

Customer Number: 24353
Bozicevic, Field & Francis, LLP
1900 University Avenue, Suite 200
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Tel: (650) 327-3400; Fax: (650) 327-3231

(650) 833-7713
Telephone Number

- Enclosures: ☒ Fee Payment
- ☒ Reply / **Communication regarding Petition**
- ☐ Terminal Disclaimer Form
- ☒ Additional sheets containing statements establishing unintentional delay (**See Communication**)
- ☒ Other: Postcard

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a) or 1.10]

I hereby certify that this correspondence is being:

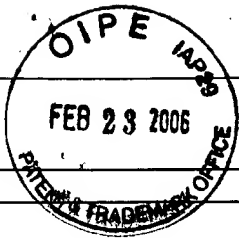
- ☐ Deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.
- ☐ Transmitted by facsimile on the date shown below to the United States Patent and Trademark Office as (571) 273-8300.

- ☒ Deposited with the United States Postal Service under 37 CFR 1.10 under Express Mail Label No. **EV 687 634 805 US** Addressed to: Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

February 23, 2006
Date

Martha Cisneros
Signature

Martha Cisneros
Typed or printed name of person signing certificate



EXPRESS MAIL NUMBER EV 687 634 805 US

**COMMUNICATION
REGARDING PETITION TO
REVIVE APPLICATION
UNINTENTIONALLY
ABANDONED UNDER 37
C.F.R. §1.137(b)**

Address to:
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Customer Number	24353
Atty. Docket No.	RICE-039US2
Application Number	09/029,686
Confirmation Number	6401
Filing Date	March 3, 1998
First Named Inventor	MALFROY-CAMINE, BERNARD
Examiner Name	Delacroix, Muirhei C.
Group Art Unit	1654

Sir:

This Communication accompanies a Petition under 37 C.F.R. §1.137(b) to Revive Application Unintentionally Abandoned. Petition is accompanied by:

- (1) A reply to the outstanding Office action, which in this case is satisfied by the filing of a Continuation application and a Preliminary Amendment (each submitted herewith);
- (2) The petition fee under 37 C.F.R. §1.17(m);
- (3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional.

No terminal disclaimer is believed to be required.

To the extent the Director may require additional information under 37 C.F.R. §1.137(b)(3), the following information regarding the history of the present application is provided.

- A Final Office Action was mailed on October 6, 1999;
- A Notice of Appeal was filed on April 6, 2000 with a Petition for a Three Month Extension of Time;
- The Notice of Appeal was re-submitted to the Examiner by facsimile on July 5, 2000;
- The Notice of Appeal was never entered into the Patent Office's PAIR system, and the reply postcard was never received by prior counsel, suggesting the Notice of Appeal was lost in the mail;

- A Notice of Abandonment was mailed on July 21, 2000;
- A Petition to Revive for Unintentional Abandonment Under 37 C.F.R. §1.137(b) was filed on January 10, 2001;
- Because no response was received, Status Requests were filed on April 8, 2002, April 16, 2003, and February 18, 2005;
- Neither the Petition to Revive nor any of the three Status Requests were entered into PAIR and no response from the Office was received;
- During a teleconference with an Examiner at the Petitions Branch on February 9, 2006 during which the status and history of the present application were discussed, the Examiner suggested that applicants file a new Petition to Revive for Unintentional Abandonment, this time accompanied by a Continuation application presenting the claims for prosecution.
- This Communication is accompanied by a Petition to Revive for Unintentional Abandonment, the requisite fee, a Continuation application and a Preliminary Amendment to present claims for prosecution.

Consideration and grant of the present Petition is respectfully requested. Should further information be required, the Office is invited to contact the undersigned at the number provided below.

Respectfully submitted,
BOZICEVIC, FIELD & FRANCIS LLP

Date:

Feb 23, 2006

By:

Carol L. Francis
Carol L. Francis
Registration No. 36,513

BOZICEVIC, FIELD & FRANCIS LLP
1900 University Avenue, Suite 200
East Palo Alto, California 94303
Telephone: (650) 327-3400
Facsimile: (650) 327-3231

Please type a plus sign (+) inside this box →



PTO/SB/21 (05-03)

Approved for use through 04/30/2003. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

182

Application Number

09/029,686

Filing Date

March 3, 1998

First Named Inventor

MALFROY-CAMINE, BERNARD

Group Art Unit

1654

Examiner Name

Delacroix, Muirhei C.

Attorney Docket Number

RICE-039US2

ENCLOSURES (check all that apply)



Fee Transmittal Form (1 pg.)



Credit Card Payment Form (1 pg.)

For Petition to Revive and Filing
Fees for Continuation Appln



Amendment / Reply



After Final



Affidavits/declaration(s)



Extension of Time Request



Express Abandonment Request



Information Disclosure Statement



Certified Copy of Priority
Documents



Response to Missing Parts/
Incomplete Application



Response to Missing Parts
under 37 CFR 1.52 or 1.53



Assignment Papers
(for an Application)



Drawing(s)



Licensing-related Papers



Petition



Petition to Convert to a
Provisional Application



Power of Attorney, Revocation
Change of Correspondence
Address



Terminal Disclaimer



Request for Refund



CD, Number of CD(s)



After Allowance Communication
to Group



Appeal Communication to Board
of Appeals and Interferences



Appeal Communication to Group
(Appeal Notice, Brief, Reply Brief)



Petition to Revive Application
for Abandoned Unintentionally
37 CFR 1.137(b) (2 pgs.)



Communication regarding
Petition (2 pgs.)



Other Enclosure(s) (please
identify below):

Postcard 1 of 2 and 2 of 2

Remarks

Transmittal for Continuation Application filed (2.23.06) (1 pg.);
Application Information Sheet (2 pgs.); Copy of Declaration from Parent
(2 pgs.); Preliminary Amendment (6 pgs.); Specification, Claims &
Abstract (124 pgs.); 38 Sheets of Drawings; Information Disclosure
Statement (1 pg.) and SB08A Form (1 pg.)

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Signing Attorney/Agent
(Reg. No.)

CAROL L. FRANCIS, 36,513
BOZICEVIC, FIELD & FRANCIS, LLP

Signature

Date

February 23, 2006

EXPRESS MAIL LABEL NO. EV 687 634 805 US

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.